

**Minutes of Meeting
Grafton Planning Board
August 8, 2011**

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A regular meeting of the Grafton Planning Board was held on Monday, August 8, 2011 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chair Stephen Qualey, Clerk James Walsh III, and Robert Hassinger. Staff present was Town Planner, Stephen Bishop. Absent from the meeting were Member David Robbins and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m.

ACTION ITEM 1-A – REQUEST FOR RELEASE OF COVENANT 59 JOHN DRIVE

Mr. Bishop explained that after several title searches, it became evident that one of the buildings of the original Lordvale Condominiums Phase I project had never been released from Covenant. Mr. Bishop added that endorsing the Release of Covenant was merely a housekeeping item with regard to the Board.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh, to endorse the Release of Covenant for the Forest Hills Condominiums project.

DISCUSSION: Mr. Hassinger suggested the motion should include the buildings from Phase I.

AMENDED MOTION by Mr. Qualey, **SECOND** by Mr. Walsh, to endorse the Release of Covenant for the buildings of Phase I of the Forest Hills Condominiums project. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-B – CONSIDER DECISION – SPECIAL PERMIT SP 2011-4
MICHAEL & ERICA SIEMASZKO – 14 HIGH STREET – DETACHED TWO-FAMILY
DWELLING**

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh, to make favorable Findings for F-1 through F-11. **MOTION** carried unanimously 4. to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh, to make favorable Findings for F-12 through F-21. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh, to make favorable Findings for F-22 through F-25. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Walsh, **SECOND** by Mr. Qualey, to grant Waivers W-1 through W-6, as drafted.

DISCUSSION: Mr. Hassinger noted the waivers being granted were fine for this particular permit, but fairly broad in scope; and requested this be distinguished in the language of the motion. Mr. Bishop suggested additional waiver language could be added stating that due to the size and scope of the project, the Planning Board granted the requested waivers.

AMENDED MOTION by Mr. Walsh, **SECOND** by Mr. Qualey, to grant Waivers W-1 through W-6 with the amended language to the decision. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to grant the Special Permit application with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 4 to 0.

Chairman Spinney received unanimous consent to take Action Item 1-D out of order.

ACTION ITEM 1-D – REQUEST FOR PLANNING BOARD DETERMINATION FOR MINOR MODIFICATION OF SPECIAL PERMIT SP 2007-1 – INDUSTRIAL TOWER & WIRELESS, LLC (T-MOBILE NORTHEAST LLC) – ERIC DAHL, PETITIONER

Eric Dahl, agent for T-Mobile Northeast LLC, informed the Board that his client was requesting the Board consider that the addition of a radio equipment cabinet to the existing equipment pad is a minor modification to Special Permit SP 2007-1.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to find the request to be a minor modification of Special Permit SP2007-1. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Walsh, to grant the applicant's request to add a radio equipment cabinet to the existing equipment pad. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-C – REQUEST FOR MINOR MODIFICATION OF SPECIAL PERMIT SP 2001-11 – ADDITIONAL PARKING – BRIGHAM HILL COMMUNITY BARN – KENNETH CRATER, CRATER-FERRARO REALTY LLC, PETITIONER

Kenneth Crater of Crater-Ferraro Realty LLC, owner of The Brigham Hill Community Barn, informed the Board that when the Barn was originally permitted it was assigned the use classification of Agricultural & Business. Mr. Crater noted that the classification has not fit the continuous use of the facility, and consequently is requesting the Board grant a modification of the original permit, changing the use to Agricultural & Business & Assembly. Mr. Crater added that this change, allowing 48 parking spaces, would also reflect/accommodate the additional parking requirements.

Mr. Hassinger inquired whether the Planning Board was able to make this change and noted he had never heard of such a use as Assembly. Mr. Crater stated that he and his architect have been working with the Building Inspector/Zoning Enforcement Officer to determine the appropriate classifications and use for the Barn. Mr. Hassinger asked if there would be any additional lighting in the parking areas and was told no.

Mr. Bishop remarked that the Zoning Enforcement Officer was satisfied with the changes, including the 48 additional parking spaces.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to find the requested modification for Special Permit SP 2001-11 to be a minor modification. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to grant the use change and the additional 48 parking spaces as requested. **MOTION** carried unanimously 4 to 0.

DISCUSSION ITEM 2-B – PROPOSED SIGN BY-LAW

Mr. Bishop informed the Board that the Town Administrator, at the urging of the Sign By-Law Committee, distributed the proposed draft sign by-law to the board of Selectmen and the Planning Board. Mr. Bishop noted that the Board of Selectmen will take this up on their August 16 meeting to decide whether to forward the by-law to the Planning Board and Town Meeting.

Mr. Hassinger noted that he has already heard technical concerns regarding the draft by-law and has additional concerns about the by-law getting to Town Meeting only to get voted down for lack of a 2/3 vote. Mr. Hassinger added that the Committee would be forced to wait two years to bring it to Town Meeting again.

Mr. Qualey stated that the Board of Selectmen formed the Sign By-Law Committee, charging them to draft a new sign by-law dealing specifically with the CEVMS (Changeable Electronic Variable Message Sign), and that is what the Committee has done. Mr. Qualey added that the draft copy is clearly marked in the margin pointing out why and what sections have been rewritten for clarity, a new section, or changed. Mr. Qualey further stated that the draft copy has been reviewed by Town Counsel, which essentially remained unchanged, and it is now up to the Board of Selectmen to approve and forward it for Town Meeting approval. Mr. Qualey wished to point out that without the new sign by-law addressing CEVMS, businesses in Grafton will be left in limbo for another year.

Chairman Spinney suggested the Planning Board move forward with the process with the understanding that the Board of Selectmen is aware of the task requirements.

Mr. Bishop noted that Assistant Town Administrator Kevin Mizikar has been appointed to be the “clearing house” for issues. Mr. Bishop encouraged the public to view the by-law available on the Town website and relay their feedback to Mr. Mizikar.

Mr. Hassinger again expressed concerns for the new by-law requiring time to be vetted by the public, Boards and Committees.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the open session minutes of July 11, 2011 as drafted. **MOTION** carried unanimously 4 to 0.

STAFF REPORT

Mr. Bishop informed the Board that the Heritage Corridor Commission in connection with its resource study for this year will be looking at the next phase of the life of the corridor, proposing certain communities to be designated as part of a National Park. Mr. Bishop noted they will be holding meetings concerning this matter on Wednesday in Pawtucket and on Tuesday, August 16 at 7:00 p.m. at the Northbridge Town Hall in Whitinsville. Mr. Bishop encouraged all who feel the continuation of the movement for the preservation of the birthplace of the American Industrial Revolution should take this opportunity to be heard.

Mr. Bishop stated that the power point display regarding the Village Mixed Use District Zoning is nearing completion and will explain what this will encompass. Mr. Bishop added that he has received correspondence from Attorney Robert Sudmeyer with regard to revisiting the Grafton Common Neighborhood District. Mr. Bishop remarked he is hopeful that they will be able to get together to exchange documents and coordinate their efforts into something compatible for both districts.

CORRESPONDENCE

Mr. Walsh read correspondence from Mr. Mizikar concerning the Open Meeting Law reminders for minutes and Committee procedures. Mr. Walsh also read a reminder from the Town Administrator regarding the October Town Meeting warrant deadline of September 1, 2011.

Mr. Hassinger read a memo from Mr. Mizikar to the Planning Board requesting the Board designate a member to the Economic Development Commission. Chairman Spinney and Mr. Walsh expressed interest in the position.

MOTION by Mr. Qualey, **SECOND** by Mr. Hassinger, to nominate Chairman Spinney as Planning Board representative to the Economic Development Committee. **MOTION** carried unanimously 4 to 0.

Chairman Spinney directed Staff to inform the Board of Selectmen of the Planning Board's designation.

Mr. Walsh gave a brief update of the progress of the Agricultural Commission with regard to the proposed zoning change they have been working on. Mr. Walsh acknowledged that they still have more work to do and need to follow the process, specifically public vetting.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to adjourn the meeting. **MOTION** carried unanimously 4 to 0.

The meeting was adjourned at 8:13 p.m.

EXHIBITS

- Action Item 1A – Release of Covenant – 59 John Drive

- Correspondence, Law Offices of Joseph R. Jenkins, re: Release of Covenant, Forest Hills Condominium, building 31, Phase I; dated August 2, 2011, received August 4, 2011, 2 pages.

- Action Item 1B – Consider Decision - SP2011-4, Michael and Erica Siemaszko, Special Permit & Site Plan Approval to Construct a Detached Two-Family Dwelling, 13 High Street, North Grafton

- Draft Decision, draft dated July 18, 2011, 8 pages.

- Action Item 1C – Request for Minor Modification to Special Permit 2001-11, Additional Parking, Brigham Hill Community Barn, 37 Wheeler Road, North Grafton, Crater-Ferraro Realty, LLC

- Email Correspondence from Ken Crater, July 18, 2011, 1 page; includes the following attachments:
 - Existing parking plan showing proposed additional parking, 8 ½ x 11”, color, no date, 1 page.
 - Sample parking sign design, 8 ½ x 11”, color, no date, 1 page.
- Correspondence from Crater-Ferraro Realty LLC, dated July 19, 2011, received July 25, 2011, 1 page.

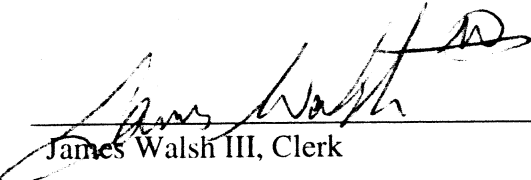
- Action Item 1D – Request for Minor Modification of a Special Permit 2007-1; T-Mobile Northeast LLC, Location: 160 Rear Upton Street, Grafton, MA

Project materials submitted by the Applicant pertaining to 160 Rear Upton Street and the previously approved Special Permit SP 2007-1 including the following materials:

- Correspondence from Eric R. Dahl of ERD Consulting, T-Mobile Northeast LLC – Minor Modification of a Special Permit, dated July 11, 2011, received at the July 12, 2011, 2 pages.
- Application for a Modification of a Special Permit, T-Mobile Northeast LLC – Applicant, dated July 11, 2011, received July 12, 2011, 1 page.
- Correspondence from T-Mobile, Letter of Authorization - Site 4WL0904F, Upton Street, Grafton, no date, received July 12, 2011, 1 page.
- Plan Set, 11” x 17”, black & white, T Mobile, 160 Rear Upton Street, Site Number 4WL090F, Grafton, MA; prepared by Maxton Baystate Architectural and Engineering Services, dated June 3, 2011, 3 pages:
 - Drawing T1: Title Sheet
 - Drawing A1: Compound Plan
 - Drawing A2: Elevations and Details

• Item 2B: Discussion Items

- **Proposed Sign By-Law**
 - Memorandum from the Office of the Town Administrator, re: Sign By-Law presentation, dated and received August 4, 2011, 1 page, with following attachments:
 - Draft Sign By-Law, no date, 19 pages.
 - Town of Grafton Zoning By-Law Section 4: General Regulations, May 2011, 18 pages.
 - Proposed Sign By-law, revised material submitted by Stephen Qualey at the August 8, 2011 Planning Board meeting, consisting of the following:
 - Draft Town Meeting Motion, no date, 1 page.
 - Draft Sign By-Law with comments, no date, 18 pages.
- **Item 3: Staff Report**
 - **Letter of Credit, "Dendee Acres" Subdivision**
 - Correspondence from Charles Kady, Kady Builders, no date, received June 13, 2011, 1 page.
 - Correspondence from Spencer Savings Bank, Letter of Credit: Dendee Acres Subdivision, dated July 7, 2011; received July 25, 2011, 2 pages.
 - Correspondence from Spencer Savings Bank, Cover Letter regarding Line of Credit: Dendee Acres Subdivision dated July 22, 2011; received July 25, 2011, 1 page.
- **Item 5: Draft Meeting Minutes**
 - Grafton Planning Board, July 7, 2011, 5 pages.
- **Item 6: Correspondence**
 - Memorandum from the Office of the Town Administrator, Economic Development Commission - Member, dated and received July 13, 2011, 1 page.
 - Memorandum from the Office of the Town Administrator, October Town Meeting Warrant, dated August 4, 2011, received August 5, 2011, 1 page.



James Walsh III, Clerk